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ABSTRACT

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in all federally funded education programs. The regulation of Title IX, which became effective on July 21, 1975, specifies a number of actions that educational institutions receiving federal funding (as well as other recipients of federal education funds) must take to be in compliance with the law. This document highlights some of the specific actions that the regulation requires. (Author/KE)

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project on the status and education of **women**

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PARTIAL LIST OF ACTIONS INSTITUTIONS MUST TAKE UNDER TITLE IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in all federally funded education programs. The regulation for Title IX, which became effective on July 21, 1975, specifies a number of actions that educational institutions receiving federal funds (as well as other recipients of federal education funds) must take in order to be in compliance with the law.

The following list highlights some of the specific actions that the regulation requires.[1] The section of the regulation which spells out the requirements is noted in the left hand margin. Institutions (as well as other recipients of federal education funds) must do the following:[2]

86.3 I. Conduct a self evaluation to identify sex discrimination by July 21, 1976.[3]

As a part of this requirement, recipients must:

- Evaluate their policies and practices concerning both employment (both academic and nonacademic), and students (treatment and, where applicable, admission).
- Modify any policy or practice which discriminates on the basis of sex.
- Take "appropriate remedial steps" to eliminate the effects of discrimination.
- Have these materials on file for at least three years after the completion of the evaluation.

86.4 II. Assure the federal government that they are complying with the requirements of Title IX.

- All applications for federal education funds must be accompanied by an assurance of compliance with Title IX. (The Office for Civil Rights is developing a form to facilitate this.)

86.8(a) III. Designate at least one employee responsible for:

- Coordinating efforts to comply with the Title IX regulation.
- Investigating any Title IX complaint that is communicated to the recipient.

86.8(a) IV. Notify all of its students and employees of the appointment of the person(s) responsible for Title IX compliance. This notification must include the following information about the designated employee(s):

- Name(s).
- Office address(es).
- Telephone number(s).

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86.8(b) V. Adopt and publish grievance procedures for both student and employee complaints under Title IX.[4]

86.9 VI. Notify, by October 19, 1975, certain persons and groups about the recipient's nondiscriminatory policy and Title IX obligations.

A. This notice must state that:
- The recipient does not discriminate on the basis of sex.
- Its obligations under Title IX prohibit such nondiscrimination.
- Inquiries concerning Title IX can be referred to the designated Title IX compliance person(s) or to the Director of the Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

B. The recipient must implement specific and continuing steps to notify the following groups of the nondiscriminatory policy under Title IX:
- Applicants for admission and employment.
- Students[5].
- Employees.
- Sources of referral of applicants for admission and employment.
- All unions or professional organizations holding collective bargaining or professional agreements with the recipient.

C. This notification of the nondiscriminatory policy under Title IX must appear in:
- Local newspapers.
- Newspapers and magazines operated by the recipient or by student, alumnae, or alumni groups.
- Memoranda or other written communications distributed to every student and employee.

D. This notification of nondiscrimination must be prominently placed in each announcement, bulletin, catalog or application form used in connection with recruiting students or employees.[6]

86.9(c) VII. Notify its admission and recruitment representatives (for both students and employees) of the policy of nondiscrimination and require these persons to adhere to this policy.

86.12(b) VIII. Regarding institutions which are eligible for a "religious exemption" from portions of Title IX:
- Submit a statement by the highest ranking official of the institution identifying the requirements of the Title IX regulation which conflict with a specific religious tenet of the religious organization which controls the institution.

86.31(d) IX. *Regarding programs not operated by the recipient:
- Develop and implement a procedure designed to assure itself that required programs and activities operated by these other programs do not discriminate on the basis of sex against the recipient's applicants, students or employees.

86.32(c)(2) X. *Regarding housing not provided by the recipient (institution), but which the recipient solicits, lists, approves or assists:
- Take "reasonable action" to assure itself that this housing is proportionate in quantity and comparable in quality and cost to students of both sexes.

86.34 XI. *Regarding physical education opportunities:

- Comply fully with these requirements "as expeditiously as possible," but not later than July 21, 1978 (for secondary and post-secondary institutions).[7] (HEW has repeatedly emphasized that this three year period for physical education programs is a transition period, not a waiting period.)

86.36(b) XII. *Regarding student counseling and appraisal materials:

- Develop and use internal procedures for ensuring that these materials do not discriminate on the basis of sex.

86.36(c) XIII. *Regarding disproportionate representation of one sex in classes:

- Assure itself that such disproportion is not the result of sex discrimination in counseling or appraisal materials, sex discriminatory application of these materials, or sex discrimination by academic or guidance counselors.

86.37 XIV. *Regarding financial assistance:

- Develop and use procedures to assure overall nondiscrimination if the recipient provides any single sex financial assistance established by wills, bequests, etc.
- If aid is given to athletes, provide "reasonable opportunities" for athletic scholarships and grants in aid for members of each sex "in proportion to the number of students of each sex participating in intercollegiate athletics."

86.38(a) XV. *Regarding student placement services:

- Assure itself that any agency, organization or person, which it assists in making employment available to students, provides employment without discrimination on the basis of sex.

86.40(b)(3) XVI. * Regarding separate classes or activities for pregnant students:

- Ensure that any separate program, if offered, is comparable to that offered to non-pregnant students.[8]

86.41(d) XVII. Regarding athletic opportunities:

- Comply fully with the requirements regarding athletics "as expeditiously as possible," but not later than July 21, 1978 (for secondary and post-secondary institutions).[9] (HEW has repeatedly emphasized that this three-year period is a transition period, not a waiting period.)

* * *

FOOTNOTES

[1]For a more comprehensive description of what institutions and other recipients of federal education funds must do in order to be in compliance with Title IX, the reader is strongly urged to consult the regulation itself (45 CFR Part 86), which can be found at 40 Fed. Reg. 24128-45 (1975) or obtained from the Office for Civil Rights, Department of Health, Education and Welfare, Washington, D.C. 20201.

[2]Unless otherwise noted, the effective date of the requirement is July 21, 1975 (the effective date of the regulation).

[3]Starred items should be included as a part of the self evaluation.

[4]Although institutions must have such a procedure, there is no requirement that individuals who believe that they have faced sex discrimination prohibited by Title IX must use this procedure.

[5]Parents of elementary and secondary students must also be notified.

[6]Additionally the regulation bars recipients from using or distributing such publications if they suggest, "by text or illustration," that the recipient discriminates on the basis of sex in violation of Title IX [86.9(b)(2)].

[7]Elementary schools must comply with the provisions of this section no later than July 21, 1976.

[8]The regulation requires that participation in these programs be completely voluntary.

[9]Elementary schools must comply with the provisions of this section no later than July 21, 1976.

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